

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

– against –

ERIC MORRIS,

Defendant.

CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

MAR 27 2014

BROOKLYN OFFICE

10-CR-053

Statement of Reasons Pursuant to
18 U.S.C. § 3553(c)(2)

JACK B. WEINSTEIN, Senior United States District Judge:

A sentencing court shall “state in open court the reasons for its imposition of the particular sentence.” 18 U.S.C. § 3553(c). If the sentence is not of the kind prescribed by, or is outside the range of, the Sentencing Guidelines referred to in Section 3553(a)(4), the court shall indicate the specific reasons for imposing a sentence different from the Guidelines. 18 U.S.C. § 3553(c)(2). These “reasons must also be stated with specificity in the written order of judgment and commitment.” *Id.* Even though the mandatory nature of the Guidelines has been excised and they are now “advisory,” see *United States v. Booker*, 543 U.S. 220, 245-46 (2005), the sentencing court must still adhere to the requirements of 18 U.S.C. § 3553(c)(2). *United States v. Jones*, 460 F.3d 191, 197 (2d Cir. 2006).

The sentencing court’s written statement of reasons shall be “a simple, fact-specific statement explaining why the Guidelines range did not account for a specific factor or factors under § 3553(a).” *United States v. Rattoballi*, 452 F.3d 127, 138 (2d Cir. 2006). Such a statement should demonstrate that the court “considered the parties’ arguments and that it has a reasoned basis for exercising its own legal decisionmaking authority.” *United States v. Cavera*, 550 F.3d 180, 193 (2d Cir. 2008) (quoting *Rita v. United States*, 551 U.S. 338, 356 (2007)) (internal quotations and alterations omitted).

On March 31, 2010, Eric Morris pleaded guilty to Counts One and Two of a two-count indictment. Count One charged that he conspired to distribute and possessing with intent to distribute 1 kilogram or more of heroin and 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(i) and (b)(1)(A)(iii). Count Two charged that he possessed a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). He was sentenced on March 24, 2011 to thirty months in custody and five years of supervised release. *See* Statement of Reasons, Mar. 29, 2011, ECF No. 249.

On February 21, 2014, Morris pleaded guilty to a single charge of violation of a condition of supervised release. The charge alleged between January 10, 2013 and July 30, 2013, the offender violated a condition of supervised release by using a controlled substance. Multiple urine specimens provided by Morris tested positive for marijuana during this period.

Morris was sentenced on February 21, 2014 to two years of supervised release, the first six months of which he shall reside in a residential treatment facility where he will receive drug and psychiatric treatment.

Respectful consideration was given to the sentencing guidelines, the Sentencing Commission's policy statements, and all other factors listed under 18 U.S.C. § 3553(a) to ensure that the sentence is "sufficient, but not greater than necessary, to comply with the purposes" of sentencing. 18 U.S.C. § 3553(a).

Defendant, now 43-years-old, has struggled with substance abuse for decades. His most recent formal employment was in a laundry where he earned \$7.25 per hour, but he now earns money recycling scrap metal. He has indicated that he is prepared to finally tackle his drug addiction. The government and the defendant agree that a six-month stay in a residential

treatment facility offers the best option for supporting Morris' rehabilitation. Further violations will result in incarceration.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein", written over a horizontal line.

Jack B. Weinstein
Senior United States District Judge

Dated: February 26, 2014
Brooklyn, New York